

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1993 – HB 2256

April 11, 2018

**SUMMARY OF ORIGINAL BILL:** Establishes that it is not unlawful to capture an image utilizing an unmanned aircraft for the purpose of assessing the presence of obstructions in the maintenance of utility easements.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (016963):** Deletes all language after the enacting clause. Authorizes law enforcement agencies to utilize drones without a search warrant or recognized warrant exception in certain circumstances. Requires certain data collected by a drone be retained or deleted by the collecting law enforcement agency in accordance with the same policies and procedures for collecting and storing other data. Defines the type of relief that may be obtained by any person aggrieved by the use of a drone by a law enforcement agency.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Under current law, pursuant to Tenn. Code Ann. § 39-13-609(d), state and local law enforcement agencies are authorized to utilize drones in certain circumstances.
- The proposed language would authorize law enforcement agencies to also utilize drones without obtaining a search warrant if used in compliance with applicable Federal Aviation Administration rules to: (1) counter a high risk of a terrorist attack; (2) prevent imminent danger of life; (3) provide aerial coverage when searching for a fugitive; (4) provide aerial coverage to search for a missing person; (5) investigate motor vehicle accidents; (6) when criminal offenses have or are thought to have occurred on land owned or controlled by federal, state, or local government entities; and (7) at the scene of a fire investigation.

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- Pursuant to Tenn. Code Ann. § 39-13-609(f), no data collected on an individual, home, or areas other than the target of an investigation may be used, copied, or disclosed and is required to be deleted no later than 24 hours after collection.
- The proposed language would require any data collected which is directly relevant to the lawful reason the drone was being used and for an ongoing investigation or criminal prosecution to be retained or deleted in accordance with other policies and procedures followed regarding other data collected by the law enforcement agency. All other data which is not directly relevant must be deleted within three business days.
- Requiring law enforcement agencies to follow the same policies and procedures currently in place for other data collected when retaining or deleting data collected through use of a drone will not result in any significant fiscal impact to state or local government.
- Under current law, pursuant to Tenn. Code Ann. § 39-13-609(e), an aggrieved party may obtain all appropriate relief as determined by the court.
- The proposed language defines what the court may include when awarding “appropriate relief” to an aggrieved party. Such relief includes injunctive relief, destruction of obtained data, and reasonable attorney fees.
- Any fiscal impact to state and local government as a result of providing what may be awarded to aggrieved parties is estimated to be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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